

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

KELLY CROCKETT, #1243938	§	
VS.	§	CIVIL ACTION NO. 6:05cv319
CINDIE FLANAGAN, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Kelly Crockett, an inmate confined in the Texas prison system, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the complaint about the medical care that the Plaintiff received at the Gurney Unit should be dismissed. The Plaintiff has filed objections.

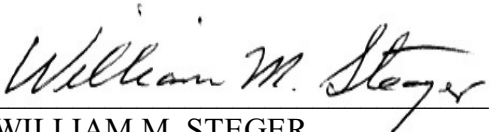
The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. The Plaintiff's response focused on his lack of knowledge about civil rights proceedings, his desire for an attorney and the lack of an opportunity to submit evidence to prove his case. However, his factual allegations, if true, fail to state a claim upon which relief may be granted and are frivolous in that they lack any basis in law and fact. Magistrate Judge Guthrie appropriately recommended that the case be dismissed pursuant to 28 U.S.C. § 1915A(b)(1).

Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(a)(b)(1). It is further

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 24th day of October, 2005.


WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE